



BOARD OF HEALTH
TOWN OF FOXBOROUGH
MASSACHUSETTS 02035

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FLOOD HAZARD MANAGEMENT REGULATIONS

1. Purposes

The purposes of these Flood Hazard Management regulations are to:

- 1) Ensure public safety through reducing threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from contamination and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact areas beyond the site of flooding;
- 5) Eliminate costs associated with the response to and cleanup of flooding conditions; and
- 6) Reduce damage to public and private property resulting from flooding waters.

2. Floodplain District.

- 1) The Floodplain District includes all special flood hazard areas within the Town of Foxborough designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Foxborough are panel numbers 25021C0332E, 25021C0333E, 25021C0334E, 25021C0341E, 25021C0342E, 25021C0343E, 25021C0344E, 25021C0351E, 25021C0353E, 25021C0354E, 25021C0358E, 25021C0361E, 25021C0362E, 25021C0365E, and 25021C0366E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, the Board of Health, and the Building Commissioner.

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structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

3. Requirements.

- 1) All building and structures erected in areas prone to flooding, as designated on the Flood Insurance Rate Maps (FIRM) or as further enumerated, shall be constructed and elevated as required by the provisions of the Basic Code.
- 2) Within Zone A, of Floodplain District, where the base flood elevation is not provided on the FIRM, the applicant shall produce any existing, reasonable, base flood elevation data and it shall be used to meet the requirements of A above. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is lesser, within unnumbered A Zones.
- 3) In the floodway, designated on the Flood Insurance Rate Map, the following provisions shall apply;
 - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.
 - b. If Section a. above is satisfied, all new construction and substantial improvements shall comply with all provisions of Sections 3.1) and 3.2) above.
- 4) In Zone AE, of the Floodplain District, along watercourses that have a regulatory floodway designation, encroachments are prohibited in the regulatory floodway which would result in an increase in flood levels within the community during the occurrence of the base flood discharge.

- 5) In Zones A and AE, of the Floodplain District, along watercourses that have not had a regulatory designation, the best available Federal, State, and local or other floodway data shall be used to prohibit encroachments in the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge; or take any other action relative thereto.
- 6) All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: Sections of the Massachusetts State Building Code (780 CMR) which address floodplain areas; Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00); Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)" and Foxborough Conservation Commission Regulations.
- 7) In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse: adjacent communities, NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA, 02114-2104, and the NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.
- 8) Subdivision and site plan proposals shall be designed to assure that such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.
- 9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the water system, and
- 10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems and onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Permitted Uses:

- 1) Conservation of soil, water, plants and wildlife;
- 2) Non-intensive agricultural uses including pasture, light grazing, hay, gardening, nursery, conservation, forestry, and harvesting provided that fertilizers, herbicides, pesticides, and other leachable materials are stored

under cover in a manner which will prevent leakage;

- 3) Outdoor recreation, nature study, boating, fishing, foot, bicycle and/or horse paths, bridges, and hunting where otherwise legally permitted;
 - 4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - 5) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and
 - 6) Buildings lawfully existing prior to the adoption of these provisions.
5. **Enforcement.** These regulations shall be enforced by the Board of Health and its agents and the Building Commissioner.
6. **Definitions:**

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **STRUCTURE**, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE means the 100-year floodplain where the base flood elevation has been determined.

Approved and in full effect this 18th day of June, 2012.


Paul Steeves, Chairman


Eric S. Arvedon, Vice-Chairman


Paul A. Mullins, Clerk

6/28/12
Date

7-3-12
Date

7-3-12
Date